

**Effective 3/23/2015**

**Chapter 31**  
**American Indian-Alaskan Native Education State Plan**

**Part 1**  
**General Provisions**

**53A-31-101 Title.**

This chapter is known as the "American Indian-Alaskan Native Education State Plan."

Enacted by Chapter 53, 2015 General Session

**53A-31-102 Definitions.**

As used in this chapter:

- (1) "Commission" means the American Indian-Alaskan Native Education Commission created in Section 53A-31-202.
- (2) "Liaison" means the individual appointed under Section 53A-31-201.
- (3) "Native American Legislative Liaison Committee" means the committee created in Section 36-22-1.
- (4) "State plan" means the state plan adopted under Section 53A-31-301.
- (5) "Superintendent" means the superintendent of public instruction appointed under Section 53A-1-301.

Enacted by Chapter 53, 2015 General Session

**Part 2**  
**Liaison and Commission**

**53A-31-201 American Indian-Alaskan Native Public Education Liaison.**

- (1) Subject to budget constraints, the superintendent shall appoint an individual as the American Indian-Alaskan Native Public Education Liaison.
- (2) The liaison shall work under the direction of the superintendent in the development and implementation of the state plan.
- (3) The liaison shall annually report to the Native American Legislative Liaison Committee about:
  - (a) the liaison's activities; and
  - (b) the activities related to the education of American Indians and Alaskan Natives in the state's public school system and efforts to close the achievement gap.

Enacted by Chapter 53, 2015 General Session

**53A-31-202 Commission created.**

- (1) There is created a commission known as the "American Indian-Alaskan Native Education Commission." The commission shall consist of 16 members as follows:
  - (a) the superintendent;
  - (b) the liaison;

- (c) two individuals appointed by the State Board of Education that are coordinators funded in whole or in part under Title VII, Elementary and Secondary Education Act;
  - (d) three members of the Native American Legislative Liaison Committee appointed by the chairs of the Native American Legislative Liaison Committee;
  - (e) a representative of the Navajo Nation who resides in Utah selected by the Navajo Utah Commission;
  - (f) a representative of the Ute Indian Tribe of the Uintah and Ouray Reservation who resides in Utah selected by the Uintah and Ouray Tribal Business Committee;
  - (g) a representative of the Paiute Indian Tribe of Utah who resides in Utah selected by the Paiute Indian Tribe of Utah Tribal Council;
  - (h) a representative of the Northwestern Band of the Shoshone Nation who resides in Utah selected by the Northwestern Band of the Shoshone Nation Tribal Council;
  - (i) a representative of the Confederated Tribes of the Goshute who resides in Utah selected by the Confederated Tribes of the Goshute Reservation Tribal Council;
  - (j) a representative of the Skull Valley Band of Goshute Indians who resides in Utah selected by the Skull Valley Band of Goshute Indian Tribal Executive Committee;
  - (k) a representative of the Ute Mountain Ute Tribe who resides in Utah selected by the Ute Mountain Ute Tribal Council;
  - (l) a representative of the San Juan Southern Paiute Tribe who resides in Utah selected by the San Juan Southern Paiute Tribal Council; and
  - (m) an appointee from the governor.
- (2) Unless otherwise determined by the State Board of Education, the superintendent shall chair the commission.
- (3)
- (a) The superintendent shall call meetings of the commission.
  - (b) Eight members of the commission constitute a quorum of the commission.
  - (c) The action of a majority of the commission at a meeting when a quorum is present constitutes action of the commission.
- (4) If a vacancy occurs in the membership for any reason, the replacement shall be appointed in the same manner of the original appointment for the vacant position.
- (5) The commission may adopt procedures or requirements for:
- (a) voting, when there is a tie of the commission members; and
  - (b) the frequency of meetings.
- (6)
- (a) A member of the commission may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
    - (i) Section 63A-3-106;
    - (ii) Section 63A-3-107; and
    - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
  - (b) Compensation and expenses of a participant who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.
- (7) The staff of the State Board of Education shall staff the commission.
- (8) The commission shall be dissolved on December 31, 2015.

Enacted by Chapter 53, 2015 General Session

**53A-31-203 Duties of the commission.**

- (1) The commission shall develop a proposed state plan to be presented to the Native American Legislative Liaison Committee to address the educational achievement gap of the American Indian and Alaskan Native students in the state.
- (2) The proposed state plan shall:
  - (a) identify the most critical academic needs of Utah's American Indian and Alaskan Native students;
  - (b) recommend a course of action to meet the identified needs;
  - (c) be based on, and include, a summary of the best available evidence and most recent data;
  - (d) focus on specific actions;
  - (e) identify existing programs and resources;
  - (f) prioritize more efficient and better use of existing programs and resources to meet the needs of American Indian and Alaskan Native students;
  - (g) include ongoing reporting to the Native American Legislative Liaison Committee;
  - (h) include a plan to hire, retain, and promote highly qualified teachers as quickly as feasible; and
  - (i) add a process for sharing data with tribal education leaders.
- (3) The commission shall present the proposed state plan developed under Subsection (1) to the Native American Legislative Liaison Committee by no later than October 31, 2015.

Enacted by Chapter 53, 2015 General Session

### **Part 3**

### **State Plan**

#### **53A-31-301 Adoption of state plan.**

- (1) After receipt of the proposed state plan from the commission in accordance with Section 53A-31-203, the Native American Legislative Liaison Committee may review the proposed state plan and make changes to the proposed state plan that the Native American Legislative Liaison Committee considers beneficial to addressing the educational achievement gap of the state's American Indian and Alaskan Native students.
- (2)
  - (a) The Native American Legislative Liaison Committee shall submit the proposed state plan as modified by the Native American Legislative Liaison Committee to the Utah State Board of Education.
  - (b) The Utah State Board of Education shall, by majority vote, within 60 days after receipt of the state plan under Subsection (2)(a), adopt, modify, or reject the state plan. If the Utah State Board of Education does not act within 60 days after receipt of the state plan, the state plan is considered adopted by the Utah State Board of Education.
- (3) The Native American Legislative Liaison Committee may prepare legislation to implement the state plan adopted under this section.

Enacted by Chapter 53, 2015 General Session

#### **53A-31-302 Changes to state plan.**

- (1) The Native American Legislative Liaison Committee may recommend to the Utah State Board of Education changes to the state plan adopted under Section 53A-31-301 to ensure that the

state plan continues to meet the academic needs of the state's American Indian and Alaskan Native students.

- (2) The Native American Legislative Liaison Committee may recommend to the superintendent that the commission be reconstituted for an 18-month period if the Native American Legislative Liaison Committee determines that a substantial review of the state plan is necessary. If reconstituted under this Subsection (2), the commission shall comply with the requirements of Part 2, Liaison and Commission.

Enacted by Chapter 53, 2015 General Session

## **Part 4**

### **American Indian and Alaskan Native Education State Plan Pilot Program**

#### **53A-31-401 Title.**

This part is known as the "American Indian and Alaskan Native Education State Plan Pilot Program."

Enacted by Chapter 63, 2016 General Session

#### **53A-31-402 Definitions.**

As used in this part:

- (1) "American Indian and Alaskan Native concentrated school" means a school where at least 29% of its students are American Indian or Alaskan Native.
- (2) "Board" means the State Board of Education.
- (3) "Teacher" means an individual employed by a school district or charter school who is required to hold an educator license issued by the board and who has an assignment to teach in a classroom.

Enacted by Chapter 63, 2016 General Session

#### **53A-31-403 Pilot program created.**

- (1) Beginning with fiscal year 2016-2017, there is created a five-year pilot program administered by the board to provide grants targeted to address the needs of American Indian and Alaskan Native students.
- (2) The pilot program shall consist of a grant program to school districts and charter schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.
- (3) Up to 3% of the money appropriated to the grant program under this part may be used by the board for costs in implementing the pilot program.

Enacted by Chapter 63, 2016 General Session

#### **53A-31-404 Grant program to school districts and charter schools.**

- (1) From money appropriated to the grant program, the board shall distribute grant money on a competitive basis to a school district or charter school that applies for a grant and:
  - (a)

- (i) has within the school district one or more American Indian and Alaskan Native concentrated schools; or
  - (ii) is an American Indian and Alaskan Native concentrated school; and
- (b) has a program to fund stipends, recruitment, retention, and professional development of teachers who teach at American Indian and Alaskan Native concentrated schools.
- (2) The grant money distributed under this section may only be expended to fund a program described in Subsection (1)(b).
- (3)
  - (a) If a school district or charter school obtains a grant under this section, by no later than two years from the date the school district or charter school obtains the grant, the board shall review the implementation of the program described in Subsection (1)(b) to determine whether:
    - (i) the program is effective in addressing the need to retain teachers at American Indian and Alaskan Native concentrated schools; and
    - (ii) the money is being spent for a purpose not covered by the program described in Subsection (1)(b).
  - (b) If the board determines that the program is not effective or that the money is being spent for a purpose not covered by the program described in Subsection (1)(b), the board may terminate the grant money being distributed to the school district or charter school.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules providing:
  - (a) criteria for evaluating grant applications; and
  - (b) procedures for:
    - (i) a school district to apply to the board to receive grant money under this section; and
    - (ii) the review of the use of grant money described in Subsection (3).
- (5) The grant money is intended to supplement and not replace existing money supporting American Indian and Alaskan Native concentrated schools.

Enacted by Chapter 63, 2016 General Session

**53A-31-405 Reporting -- Meeting.**

- (1) The liaison shall annually report to the Native American Legislative Liaison Committee during the five years of the pilot program regarding:
  - (a) what entities receive a grant under this part;
  - (b) the effectiveness of the expenditures of grant money; and
  - (c) recommendations, if any, for additional legislative action.
- (2) The Native American Legislative Liaison Committee shall annually schedule at least one meeting at which education is discussed with selected stakeholders.

Enacted by Chapter 63, 2016 General Session